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Attorneys for the Plaintiffs-Intervenors

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

**OREGON PRESCRIPTION DRUG  
MONITORING PROGRAM**, an agency of  
the **STATE OF OREGON**,

Plaintiff,

v.

**UNITED STATES DRUG  
ENFORCEMENT ADMINISTRATION**,  
an agency of the **UNITED STATES  
DEPARTMENT OF JUSTICE**,

Defendant.

Case No.: 3:12-cv-02023-HA

**DECLARATION OF MARK ROTHSTEIN  
IN SUPPORT OF PLAINTIFFS-  
INTERVENORS' MOTION FOR  
SUMMARY JUDGMENT**

**JOHN DOE 1, et al.,**

Plaintiffs-Intervenors,

v.

**UNITED STATES DRUG  
ENFORCEMENT ADMINISTRATION,**  
an agency of the **UNITED STATES  
DEPARTMENT OF JUSTICE,**

Defendant in Intervention.

I, Mark A. Rothstein, a resident of Kentucky, hereby declare:

1. I am the Herbert F. Boehl Chair of Law and Medicine and Director of the Institute for Bioethics, Health Policy and Law at the University of Louisville School of Medicine. I am also a Professor of Law at the Brandeis School of Law of the University of Louisville. As indicated on my attached resume, many of my scholarship and public service activities have focused on the ethical, legal, and social implications of health privacy. For example, from 1999-2008, I served as a member of the National Committee on Vital and Health Statistics (NCVHS), the congressionally chartered federal advisory committee to the Secretary of Health and Human Services (HHS) on health information policy. I served as Chair of the Subcommittee on Privacy and Confidentiality, and I was responsible for chairing public hearings and meetings throughout the country and initiating the process of drafting NCVHS recommendations on health privacy to the Secretary of HHS and Congress dealing with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, the effect on privacy of adopting electronic health records, and other issues.

2. I have been furnished with a copy of the Complaint in Intervention for Declaratory and Injunctive Relief as well as other documents in this case. My declaration is based on the facts alleged in these pleadings.
3. Ever since the time of Hippocrates in the fourth century B.C.E., the confidentiality of patient health information has been a cornerstone of medical practice throughout much of the world. In the United States, the first Code of Medical Ethics of the American Medical Association (AMA) in 1847 contained a provision explicitly declaring the importance of preserving the confidentiality of patient health information. Every subsequent edition of the AMA Code of Medical Ethics, as well as the codes of ethics of numerous medical specialty colleges and societies, has also recognized the importance of maintaining confidentiality. Comparable provisions on confidentiality also appear in the ethical codes of other health professionals, including the codes of the American Nurses Association and the American Pharmaceutical Association.
4. Confidentiality is essential in encouraging patients to provide their physicians with accurate and complete health information, without which medical care would be severely compromised. It is difficult to imagine modern health care without confidentiality protections, because of the potential for numerous harms to individual patients as well as public health and safety in the four categories described below.
5. First, without confidentiality protections, some patients would delay medical care or avoid treatment altogether, especially for sensitive health conditions, such as sexually transmitted infections and domestic violence. Survey research indicates that individuals concerned about the confidentiality of their health information already engage in

“defensive practices,” such as providing inaccurate or incomplete information to their physicians, thereby undermining effective treatment.

6. Second, lack of confidentiality protections can lead to a patient’s embarrassment and stigma or the economic harms caused by health-based discrimination. Even the possibility of discomfoting disclosures can result in a wide range of psychic harms to patients.
7. Third, lack of individual confidentiality protections can lead to severe, adverse public health consequences. For example, when individuals forego seeking prompt treatment for tuberculosis, hepatitis, mental illness, substance abuse, or other stigmatizing health conditions, public health and safety is placed at great risk.
8. Fourth, lack of confidentiality protections undermines the physician-patient relationship which, in turn, can lessen societal support for the health care system in various ways. For example, without confidentiality, individuals may be less willing to comply with public health measures such as immunization; enroll as biomedical research subjects; and support health care institutions in the private and public sectors.
9. The harm associated with illicit drug use and diversion is well known. What is less well known is that for some populations pain control medicines are actually under-prescribed and under-used. Some physicians, concerned about law enforcement and licensing oversight of their prescribing practices, are reluctant to prescribe scheduled analgesics, even where clinically indicated. Similarly, some -- especially elder -- patients who are unreasonably concerned about addiction to a scheduled pain medicine are loath to take medicine necessary to control their pain. Needlessly expansive law enforcement access to

prescription drug records is likely to exacerbate these concerns of physicians and patients, resulting in more under-treatment of chronic pain.

10. As described in the pleadings, access to prescription drug records is only the first of several intrusions on physicians and patients. As represented by plaintiff Dr. Roe, DEA agents requested the diagnoses and treatment plans of certain of his patients, as well as the addresses of his patients, to conduct follow-up questioning. In some instances, merely knowing the prescription drug being taken will identify an individual's likely medical condition, thereby disclosing information beyond a mere prescription drug record. In the absence of a warrant or court order based on probable cause of unlawful activity by a physician, pharmacist, or patient, a series of intrusive inquiries and investigations based on records submitted to the Prescription Drug Monitoring Program is ethically indefensible.
11. Although the prosecution of those involved in illicit drug use is an important public policy, Congress has recognized it is secondary to the public policy supporting the treatment of individuals with substance abuse disorders. Section 527 of the Public Health Service Act provides that a program receiving federal financial assistance for alcohol and drug abuse treatment may not disclose any information about an individual who is in the program. This provision gives substance abuse treatment centers the right to refuse federal and state administrative and judicial orders for disclosure of their treatment records. Without this protection many individuals would be unwilling to undergo treatment, especially for addiction to illicit drugs, because they would fear law enforcement access to their records and subsequent prosecution. The regulations implementing this statutory provision appear at 42 C.F.R. Part 2.

12. The diversion and unlawful use of prescription drugs is an important social problem and an appropriate activity for law enforcement agencies. Nevertheless, the legitimate ends of law enforcement do not justify the use of means violating constitutional guarantees against unreasonable searches and seizures. Justice Louis Brandeis specifically addressed the issue of excessive governmental intrusions by law enforcement in one of his most famous dissenting opinions.

“And it is also immaterial that the intrusion was in aid of law enforcement. Experience should teach us to be most on our guard when the Government’s purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.”

*Olmstead v. United States*, 277 U.S. 438, 479 (1928) (Brandeis, J., dissenting).

Pursuant to 28 U.S.C. § 1746, I hereby declare and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



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Mark A. Rothstein

Dated: June 25, 2013

## **EXHIBIT A**

**MARK A. ROTHSTEIN**  
*Curriculum Vitae*

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Louisville, KY 40207  
(502) 895-4688

Institute for Bioethics, Health Policy and Law  
University of Louisville School of Medicine  
501 East Broadway, Suite #310  
Louisville, Kentucky 40292  
(502) 852-4982, (502) 852-8319 (FAX)  
mark.rothstein@louisville.edu

**ACADEMIC APPOINTMENTS**

2001 - Present	Herbert F. Boehl Chair of Law and Medicine and Director, Institute for Bioethics, Health Policy and Law, University of Louisville School of Medicine  Professor of Medicine, Division of General Internal Medicine, Palliative Medicine, and Medical Education, Department of Medicine, University of Louisville School of Medicine  Professor of Law, Louis D. Brandeis School of Law, University of Louisville  Associate, Division of Medical Humanities and Ethics, Department of Family and Geriatric Medicine, University of Louisville School of Medicine  Adjunct Professor of Public Health, University of Louisville School of Public Health and Information Sciences  Adjunct Professor of Nursing, University of Louisville School of Nursing
2003 – 2006	Director, Center for Public Health Law Partnerships, a CDC Collaborating Center, University of Louisville School of Medicine
1995 - 2000	Hugh Roy and Lillie Cranz Cullen Distinguished Professor of Law, University of Houston
1986 - 2000	Director, Health Law and Policy Institute, University of Houston
1988 - 2000	Adjunct Professor of Public Health, The University of Texas School of Public Health



1990 - 1995	Law Foundation Professor of Law, University of Houston
1986 - 1990	Professor of Law, University of Houston
1985 - 1986	Visiting Professor of Law, University of Houston
1984 - 1986	Adjunct Professor of Medicine, West Virginia University School of Medicine
1980 - 1986	Professor of Law, West Virginia University
1980 - 1986	Adjunct Professor of Public Health, Graduate School of Public Health, University of Pittsburgh
1979 - 1980	Visiting Associate Professor of Law, University of Pittsburgh
1975 - 1979	Assistant and Associate Professor of Law, Ohio Northern University
Fall 2007	Visiting Professor of Law, University of Maryland
Winter 2005	Sadie Lewis Webb Visiting Professor of Law, University of Virginia (short course)
Summer 1979	Visiting Associate Professor of Law, Georgetown University

## **PRACTICE EXPERIENCE**

1975 - present	Consultant on biobanks, bioethics, employment law, genetics and the law, health information technology, health policy, health privacy, occupational safety and health law, public health law, and research ethics
1973 - 1975	Attorney-advisor to Commissioner Timothy F. Cleary, Occupational Safety and Health Review Commission, Washington, DC

## **EDUCATION**

J.D.	Georgetown University, 1973
B.A.	University of Pittsburgh, 1970

## **PROFESSIONAL ACTIVITIES**

2013 – present	Adviser, Restatement (Third) of Information Privacy Principles, American Law Institute
2011 – present	Department Editor, Public Health Ethics, American Journal of Public Health

2011 – present	Member, Research Oversight Committee, Jewish Hospital & Saint Mary’s Healthcare (Louisville, Ky.)
2009 – present	Member, National Advisory Committee, Robert Wood Johnson Foundation Community Health Leaders Award
2008 – present	Member, Public Stakeholders Committee, National Board of Medical Examiners
2002 – present	Adviser, Restatement (Third) of Employment Law, American Law Institute
2002 – present	Member, Ethics Committee, Jewish Hospital & Saint Mary’s Healthcare (Louisville, Ky.)
2000 - present	Section Editor and Primary Author of “Currents in Contemporary Bioethics,” Journal of Law, Medicine & Ethics
2011 –2013	Member, Carrier Screening Workgroup, Secretary’s Advisory Committee on Heritable Disorders in Newborns and Children, Department of Health and Human Services
2012	Member, College of Reviewers, Genome Canada
2011	Member, Lincoln Biohistory Study Group Ethics Board, Chicago History Museum
2011	Member, Working Group on PCAST Report, HIT Policy Committee, Office of the National Coordinator of Health Information Technology, Department of Health and Human Services
2002 – 2010	At-Large Member, National Board of Medical Examiners
2006 – 2008	Member, Personalized Health Care Working Group, American Health Information Community, Department of Health and Human Services
2005 – 2008	Member, Physicians Depression and Suicide Prevention Project, Suicide Prevention International/Milbank Memorial Fund
2003 – 2008	Member, Board of Directors, American Society of Law, Medicine & Ethics
2001 – 2008	Chair, Subcommittee on Privacy and Confidentiality (and member, Executive Subcommittee), National Committee on Vital and Health Statistics
1999 - 2008	Member, National Committee on Vital and Health Statistics,

Department of Health and Human Services (appointed by Secretary of Health and Human Services Donna Shalala, reappointed by Secretary Tommy G. Thompson)

2007 Member, Special Review Committee, Genome-Wide Studies in Biorepositories with Electronic Medical Records Data, National Human Genome Research Institute, National Institutes of Health

2002 – 2007 Member, Committee on Emerging Issues and Data on Environmental Contaminants (and Chair, Subcommittee on Ethical, Legal, and Social Implications), National Research Council, National Academy of Sciences

2006 President, American Society of Law, Medicine & Ethics

2005 – 2006 Member, Committee on Applications of Toxicogenomic Technologies to Predictive Toxicology, National Research Council, National Academy of Sciences

2003 – 2005 Chair, Government Affairs Committee, Health Enterprises Network, Louisville, Ky.

2001 – 2004 Member, Newborn Screening Expert Group, American College of Medical Genetics

2001 – 2004 Member, Genetics Advisory Committee, Partnership for Prevention

2003 Member, Expert Panel, Canadian Networks of Centers of Excellence

1997 – 2003 Member, Medical Advisory Panel for Nuclear Weapons Workers at the Nevada Test Site, United States Department of Energy

2002 Member, Special Emphasis Panel, Human Genetic Variation, National Human Genome Research Institute, National Institutes of Health

2002 Co-Chair, Working Group on Nonmedical Applications of Genomics, National Human Genome Research Institute, National Institutes of Health

2000 – 2002 Member, Steering Committee on Pharmacogenetic Research, National Institute of General Medical Sciences, National Institutes of Health

2000 – 2002 Member, Advisory Board for “Our Genes/Our Choices” PBS Television Series, Fred Friendly Seminars

2000 - 2001 Chair, Section on Post-Graduate Legal Education, Association of

## American Law Schools

2000 - 2001	Member, Genetics Working Group, Clinical Laboratory Improvement Advisory Committee, Centers for Disease Control and Prevention
1998 – 2001	Member, National Advisory Panel, National Conference of State Legislatures Legislative Task Force on Genetics
1997 - 2001	Member, Social Issues Committee, American Society of Human Genetics (Chair, 1998-2001)
2000	Member, Special Emphasis Panel, Public Health Practice Program Office, Centers for Disease Control and Prevention
1998 - 2000	Chair, Subcommittee on Adoption, Social Issues Committee, American Society of Human Genetics
1997 - 2000	Member, Committee for the Protection of Human Subjects, University of Houston (Chair, 1998)
1998	Member, Subcommittee on Genetic Testing, Clinical Laboratory Improvement Act Advisory Committee, Centers for Disease Control and Prevention
1997 - 1999	Member, Working Group on Hereditary Susceptibility, National Action Plan on Breast Cancer
1997 - 1998	Ethics Consultant, National Aeronautics and Space Administration
1996	Co-Chair, Special Committee to Evaluate the Ethical, Legal, and Social Implications (ELSI) Program, Human Genome Project, National Institutes of Health/U.S. Department of Energy
1996	Member, Working Group to Develop the National Occupational Research Agenda, National Institute for Occupational Safety and Health
1995	Consultant, Therapeutic Chelation Protocols for Nuclear Weapons Workers Exposed to Plutonium and Americium, United States Department of Energy
1994 - 1995	General Reporter, Third American Congress of Labor Law and Social Security, Montreal, Canada
1994 - 1995	Special Legislative Counsel on Genetic Discrimination in Employment, National Center for Human Genome Research, National Institutes of Health

1993, 1995	Reviewer, Ethical, Legal, and Social Issues Grants, Human Genome Program, United States Department of Energy
1994	Consultant, American Bar Association, Special Committee on the Drug Crisis
1993 - 1994	Member, Board of Advisers, Biological Sciences Curriculum Study Genetics Project
1991 - 1993	Member, Committee on Assessing Genetic Risks: Issues and Implications for Health and Social Policy, Institute of Medicine, National Academy of Sciences
1991 - 1993	Member, Committee on Genetics and the Insurance Industry, American Society of Human Genetics
1990	Member, Genome Study Section and Special Review Committee on Ethics Grants, National Center for Human Genome Research, National Institutes of Health
1989 - 1990	Member, Secretarial Panel for the Evaluation of Epidemiologic Research Activities, United States Department of Energy (appointed by Secretary of Energy James D. Watkins)
1988 - 1990	Member, Genetic Testing in the Workplace Advisory Panel, Office of Technology Assessment, United States Congress
1989 - 1990	Chair, Labor and Employment Section, Association of American Law Schools
1988 - 1990	Member, Study Group on Identifying Carriers of Cancer Genes, Environmental Health Institute
1988 - 1990	Member, Advisory Group on Hospital Occupational Health and Safety, American Hospital Association
1987 - 1988	Member, Medical Testing and Health Insurance Advisory Panel, Office of Technology Assessment, United States Congress
1987	Member, Health Monitoring in the Workplace Advisory Panel, National Academy of Sciences
1986	Consultant, American Medical Association, Study on Drug Testing in the Workplace
1984 - 1985	Principal Legal Contractor, Reproductive Health Hazards in the Workplace, Office of Technology Assessment, United States Congress

1982 - 1985	Founder and Director, West Virginia University Occupational Health Law Program
1982 - 1984	Member, Preventing Illness and Injury in the Workplace Advisory Panel, Office of Technology Assessment, United States Congress
1982 - 1983	Principal Legal Contractor, The Role of Genetic Testing in the Prevention of Occupational Disease, Office of Technology Assessment, United States Congress

## **HONORS AND AWARDS**

2013	Received Louis D. Brandeis Privacy Award, Patient Privacy Rights
2001	Named Herbert F. Boehl Chair of Law and Medicine, University of Louisville School of Medicine
1999	Received Esther Farfel Award, University of Houston's highest honor for research, teaching, and service.
1999	Received National Public Health Hero Award, University of California-Berkeley School of Public Health
1997	Received Jay Healey Distinguished Health Law Teacher Award, American Society of Law, Medicine and Ethics
1996	Received Ethel M. Baker Faculty Award for Community Service, University of Houston Law Center
1995	Named Hugh Roy and Lillie Cranz Cullen Distinguished Professor of Law, University of Houston Law Center
1995	Received Mayor and City Council of Houston Proclamation for Faculty Excellence
1993	Elected Fellow of the Hastings Center
1990	Named Law Foundation Professor, University of Houston Law Center
1990	Inducted into Abington (Pa.) High School Hall of Fame
1984	Received Hale Posten Award for Legal Scholarship, West Virginia University College of Law

**BOARD MEMBER OR GRANT CONSULTANT (current)**

Advisory Board, National Information Resource on Ethics and Human Genetics,  
Kennedy Institute of Ethics, Georgetown University  
Board of Editors, American Journal of Law and Medicine  
Column Editor and Principal Author, Journal of Law, Medicine & Ethics  
Consultant, Duke University Study on Incidental Findings in Pharmacogenomic  
Testing  
Consultant, Hastings Center Working Group on Synthetic Biology  
Consultant, Indiana University Center for Bioethics Project on Informational Health  
Privacy  
Consultant, Mayo Clinic/University of Minnesota Study on Incidental Findings in a  
Cancer Biobank  
Editorial Board, American Journal of Public Health  
Editorial Board, Journal of Biolaw and Business  
Editorial Board, Journal of Law and Biosciences  
Editorial Board, Personalized Medicine  
Editorial Board, World Journal of Medical Genetics  
External Ethics Advisory Board, Vanderbilt University Medical Center DNA  
Databank  
Fellow, Hastings Center  
International Editorial Advisory Board, Genetics and Society Book Series  
Member, Bioethics Workgroup, International Human Epigenome Consortium  
Member, Consultation and Oversight Group, NHGRI Sample Repository for Human  
Genetic Research, Coriell Institute for Medical Research  
Member, Hastings Center Working Group on Ethical Issues in Synthetic Biology  
Scientific Advisory Board, Lifeboat Foundation

**DISSERTATION COMMITTEES (current)**

Kyle B. Brothers, “N of 1: Caring for Each Person in the Era of Personalized  
Medicine,” Vanderbilt University Graduate Department of Religion  
Allan McCay, “Behavioural Genetics, Moral Agency and Retributive Sentencing:  
The Case for Mitigation,” University of Sydney School of Law

**EXTERNAL REVIEWER FOR PROMOTION AND TENURE**

Arizona State University College of Law  
Baylor College of Medicine  
Brooklyn Law School  
Bryant University  
Catholic University School of Law  
Cleveland State University College of Law  
Columbia University School of Law  
Drake University Law School  
Duke University  
Florida A&M University College of Law

Florida State University College of Law  
George Washington University Law School  
Georgia State University College of Law  
Golden Gate University School of Law  
Harvard University  
IIT-Chicago Kent College of Law  
Indiana University School of Law  
Johns Hopkins University School of Public Health  
Lewis and Clark School of Law  
Loyola of Chicago School of Law  
Marquette University School of Law  
Mayo Clinic College of Medicine  
Mercer University School of Law  
Northern Illinois University College of Law  
Oregon Health & Science University  
Seton Hall University School of Law  
St. Louis University School of Medicine  
St. Thomas University School of Law  
South Texas College of Law  
Suffolk University School of Law  
University of Alberta Faculty of Law  
University of Arizona School of Law  
University of Arkansas-Fayetteville School of Law  
University of California-Berkeley College of Natural Resources  
University of California-Berkeley School of Law  
University of California-Berkeley School of Public Health  
University of California-Davis School of Law  
University of California-San Francisco School of Medicine  
University of Cincinnati College of Law  
University of Cincinnati College of Medicine  
University of Houston Law Center  
University of Kansas School of Law  
University of Maryland School of Law  
University of Memphis School of Law  
University of Minnesota School of Medicine  
University of Missouri School of Law  
University of North Carolina School of Law  
University of South Carolina School of Law  
University of Utah School of Law  
University of Washington School of Law  
University of Wisconsin School of Law  
Vanderbilt University School of Law  
Vanderbilt University School of Medicine  
West Virginia University College of Law

**REVIEWER**



Academic Press  
ActionBioScience  
Agency for Healthcare Research and Quality  
American College of Clinical Pharmacy  
American Journal of Epidemiology  
American Journal of Human Genetics  
American Journal of Law and Medicine  
American Journal of Medical Genetics  
American Journal of Pharmacogenomics  
American Journal of Preventive Medicine  
American Journal of Public Health  
American Journal of Surgery  
Applied Clinical Informatics  
Archives of Internal Medicine  
Behavioral Sciences and the Law  
Bioethics  
BMC Medical Ethics  
BMC Medicine  
BMC Public Health  
Cambridge University Press  
Community Genetics  
Economic and Social Research Council  
Encyclopedia of Bioethics  
European Journal of Human Genetics  
European Society of Human Genetics  
Future Medicine  
Genetics in Medicine  
Genome Canada  
Globalization and Health  
Harvard University Press  
Hastings Center Report  
Human Genetics  
Institute of Medicine  
International Archives of Occupational and Environmental Health  
IRB: Ethics and Human Research  
JAMA Internal Medicine  
Johns Hopkins University Press  
Journal of the American Medical Association  
Journal of the American Medical Informatics Association  
Journal of Clinical Ethics  
Journal of General Internal Medicine  
Journal of Genetic Counseling  
Journal of Health Politics, Policy, and Law  
Journal of Infection and Public Health  
Journal of Law, Medicine, and Ethics  
Journal of Legal Medicine

Journal of Medical Ethics  
 Journal of Occupational and Environmental Medicine  
 Jurimetrics Journal  
 Kennedy Institute of Ethics Journal  
 Law and Policy  
 McGill Journal of Law and Health  
 Milbank Quarterly  
 MIT Press  
 Molecular Genetics and Metabolism  
 Mount Sinai Journal of Medicine  
 National Institute for Occupational Safety and Health  
 National Science Foundation  
 Nature Genetics  
 Nature Reviews Genetics  
 Neuropsychiatric Genetics  
 New England Journal of Medicine  
 New Genetics and Society  
 North American Actuarial Journal  
 Nuffield Council on Bioethics  
 Oxford University Press  
 Personalized Medicine  
 Pharmacogenomics Journal  
 Philosophy, Ethics and Humanities in Medicine  
 Public Health Ethics  
 Public Health Law Research Program  
 Robert Wood Johnson Foundation  
 Science  
 Science, Technology, and Human Values  
 Social Studies of Science  
 Studies in Ethics, Law, and Technology  
 Theoretical Medicine and Bioethics  
 Trends in Biotechnology  
 Trial  
 University of California Press  
 Wellcome Trust

## **SELECTED SPEECHES AND LECTURES**

Topics include: Americans with Disabilities Act, behavioral genetics, biobanks, bioethics, clinical ethics, electronic health records and networks, employment law, epigenetics, forensics, genetic privacy and discrimination, genome sequencing, health information technology, health insurance, Health Insurance Portability and Accountability Act, health law and policy, infectious diseases, medical privacy and confidentiality, occupational health, occupational medicine, pandemic preparedness, pharmacogenomics, privacy, public health, research ethics, SARS, synthetic biology, toxicogenomics.

Albany Law School (1995)  
 American Association for the Advancement of Science (2003, 2007, 2009)  
 American Association of Health Plans (1998)  
 American Bar Association, Committee on Employee Rights and Responsibilities (1995)  
 American Bar Association, Section on Business Law (2001)  
 American Bar Association, Section on Health Law (2003)  
 American Bar Association, Section on Labor and Employment Law (2003)  
 American Bar Association, Section on Science and Technology Law (1992, 2003)  
 American Cancer Society (1990)  
 American Civil Liberties Union of Delaware (1996)  
 American College of Legal Medicine (1993)  
 American College of Medical Genetics (2008)  
 American College of Occupational and Environmental Medicine (2002, 2004,  
     Patterson Memorial Lecture 2011)  
 American College of Physicians (2004)  
 American College of Preventive Medicine (2006)  
 American Council of Life Insurers (1998)  
 American Enterprise Institute (1997)  
 American Health Lawyers Association (1998)  
 American Heart Association (1992)  
 American Hospital Association (1987, 1988, 1989)  
 American Law Institute/American Bar Association (1999)  
 American Liver Foundation (1999)  
 American Medical Association (2000)  
 American Medical Informatics Association (2007)  
 American Psychiatric Association (2008)  
 American Public Health Association (2005)  
 American Society for Bioethics and Humanities (2002, 2003)  
 American Society for Pharmacology and Experimental Therapeutics (2002)  
 American Society for Preventive Oncology (1995)  
 American Society of Clinical Oncology (1999)  
 American Society of Human Genetics (1993, 2001, 2003, 2005)  
 American Society of Law, Medicine, and Ethics (1987, 1993, 1995, 2004, 2005, 2006,  
     2010, 2012, 2013)  
 Arizona State University College of Law (2005, 2007, 2013)  
 Association of American Law Schools (1998, 2000, 2001, 2002)  
 Baptist Health System (San Antonio) (1999, 2000)  
 Baylor College of Medicine (1989, 1994, 1999, 2006)  
 Biotechnology Industry Organization (Toronto) (2002)  
 Brooklyn Law School (2001)  
 Capital University Law School (2009)  
 Case Western Reserve University School of Law (1996, 2013)  
 Case Western Reserve University School of Medicine (1988, 2005, 2012)  
 Center for Democracy and Technology (2008)  
 Centers for Disease Control and Prevention (1997, 1998, 2001, 2002, 2003, 2006)  
 Chartered Property Casualty Underwriters Society (1999)

Cleveland Clinic (2005, 2012)  
 Cleveland-Marshall College of Law (GTE Lecture) (1994)  
 Cold Spring Harbor Laboratory (1990, 2002)  
 College of Wooster (2002)  
 Colorado Springs Osteopathic Foundation (1994)  
 Columbia University School of Law (2000)  
 Columbia University School of Public Health (1989)  
 Columbus State University (2004)  
 Council of Appellate Staff Attorneys (2003)  
 Computers, Freedom, and Privacy Annual Conference (1998)  
 Council of State Governments (1991, 1992)  
 Dartmouth College (2000)  
 Duke University School of Law (Siegel Lecture) (2008)  
 Duquesne University School of Law (2001)  
 Eighth and Tenth Circuit Judicial Conference (2000)  
 Environmental Mutagen Society (2012)  
 Fairleigh Dickinson University (2007)  
 Federal Judicial Center (1995, 1999)  
 Federalist Society (1998)  
 Fifth Circuit Judicial Conference (1996, 1999)  
 Fifth International DNA Sampling Conference (Banff, 2009)  
 Forum Club of Houston (1993)  
 Fourth International DNA Sampling Conference (Montreal, 2006)  
 Georgetown University (2001)  
 Gulf States Hemophilia Foundation (1996)  
 Hartford Hospital (2005)  
 Harvard Law School (2001)  
 Hastings Center (1987, 1988, 2002, 2003, 2007, 2012)  
 Hawaii Bar Association (1998)  
 Hawaii Judicial Conference (1998)  
 Hawaii Legislature (1998)  
 Health Care Compliance Association (2007)  
 Health Information and Management Systems Society (2007)  
 Huntington Disease Society of America (1998)  
 IIT-Chicago-Kent College of Law (Piper Memorial Lecture 1987, 1997)  
 Indiana University School of Law (2002)  
 Institute of Medicine (2007, 2009)  
 International Council of Chemical Associations (2001)  
 International Society for Technology Assessment in Health Care (1990)  
 International Society for the Study of Xenobiotics (2002)  
 International Society of Labor Law and Social Security (Montreal, 1995)  
 Jewish Hospital (Louisville) (2005, 2006)  
 Johns Hopkins University School of Public Health (2005, 2007)  
 Kentucky Bar Association (2003)  
 Kentucky Cabinet for Health Services (2001)  
 Kentucky Legislature (2001, 2003)

Kentucky Department for Public Health (2012)  
 Kentucky Medical Association (2010)  
 Kentucky Office of the Attorney General (2010)  
 Kentucky Public Health Association (2007)  
 Keystone Conference on Epigenetics (2011)  
 Los Alamos National Laboratories (1991)  
 Louisiana State University (2004)  
 Louisville Bar Association (2002, 2005)  
 Marshall University School of Medicine (2008)  
 Massachusetts Institute of Technology (1998)  
 Mayo Clinic (2001)  
 M.D. Anderson Cancer Center (1991, 1996, 1997, 1999, 2002)  
 Medical University of South Carolina (1997)  
 Methodist Hospital (Houston) (2000)  
 Mexico-U.S. Committee for Occupational and Environmental Health (Cuernavaca, Mexico 1990)  
 Miami Children's Hospital (2004)  
 Midwest Center for Occupational Health and Safety (1991)  
 Milbank Memorial Fund (1999, 2000)  
 Missouri Judicial Conference (2001, 2002)  
 Mt. Sinai (N.Y.) School of Medicine (Richman Lecture, 1999)  
 National Academy of Arbitrators (1991, 1993, 1998)  
 National Academy of Sciences (1992, 1993, 2002, 2003)  
 National Action Plan on Breast Cancer (1996, 1997)  
 National Association of Science Writers (2001)  
 National Association of Women Judges (2005)  
 National Cancer Institute (1994, 2005)  
 National Committee on Vital and Health Statistics (2010)  
 National Conference of State Legislatures (1998, 2001, 2004)  
 National Health Law Teachers Conference (1995, 1996, 1997, 2003, 2006)  
 National Heart, Lung and Blood Institute (1997)  
 National Human Genome Research Institute (1997)  
 National Institute of General Medical Sciences (2001)  
 National Institute of Environmental Health Sciences (2001, 2002, 2004)  
 National Institutes of Health (1991, 1994, 1996, 1997, 2001, 2002, 2003)  
 National Institute for Occupational Safety and Health (1991, 2000, 2010)  
 National Research Council (2004, 2007)  
 New York Academy of Medicine (1991, 2002)  
 New York Academy of Sciences (1988)  
 New York Law School (2001)  
 Ninth Circuit Judicial Conference (2000)  
 North Central Occupational and Environmental Medicine Association (1998)  
 Norton Healthcare System (Louisville) (2005, 2008, 2011)  
 Occupational Safety and Health Review Commission (2012)  
 Ohio State Medical Association (1987)  
 Open Minds (2008, 2010)

Organization Resources Counselors (1998)  
 Overlook and Morristown Memorial Hospitals (N.J.) (Wolfe Lecture, 1999)  
 Parkinson's Disease Foundation (2004)  
 Patient Privacy Rights, Second International Summit (2012)  
 Pennsylvania Bar Association (1992)  
 Pharmaceutical Manufacturers Association (1987)  
 Presidential Commission for the Study of Bioethical Issues (2012)  
 Princeton University (2000)  
 Rice University (1994)  
 Risk and Insurance Management Society (1992)  
 St. Jude Children's Research Hospital (1999)  
 St. Louis University School of Law (1989)  
 Secretary's Advisory Committee on Human Research Protections (2004, 2008)  
 Seton Hall Law School (Merck Distinguished Scholar 2002)  
 Seventh and Eighth Circuit Judicial Conference (1998)  
 Sixth Circuit Judicial Conference (2004)  
 Society for Occupational and Environmental Health (1993)  
 Society of General Internal Medicine (2001)  
 Society of Toxicology (2010)  
 South Carolina State Bar, Employment Law Section (2009)  
 Southern Illinois University School of Law (John & Marsha Ryan Bioethicist in  
     Residence, 2007)  
 Southern Illinois University School of Medicine (2007)  
 Southern University Law Center (2000)  
 Stanford University School of Medicine (2003)  
 Substance Abuse and Mental Health Services Administration (2005)  
 Suffolk University Law School (2001)  
 Swiss Institute of Comparative Law (Lausanne, Switzerland 1994)  
 Temple University School of Law (2004)  
 Tenth Circuit Judicial Conference (1996)  
 Texas Cancer Council (1998)  
 Texas Center for the Judiciary (1990)  
 Texas Legislature (numerous)  
 Texas Lutheran University (1996)  
 Texas Medical Association (1994)  
 Texas State Bar, Health Law Section (2008)  
 The Institute for Rehabilitation and Research (1992)  
 Transylvania University (2002)  
 United States Commission on Civil Rights (1998)  
 United States Department of Energy (1991, 1993, 1994, 1997, 1998)  
 United States House of Representatives, Committee on Government Reform (2006)  
 United States House of Representatives, Committee on Energy and Commerce,  
     Subcommittee on Investigations and Oversight (2013)  
 United States Senate, Committee on Homeland Security and Governmental Affairs (2007)  
 Universidad Nacional Autónoma de México (Mexico City, 1995)  
 University of Alberta Faculty of Law (2003)

University of Calgary Faculty of Medicine (O'Byrne Lecture, 2003)  
 University of California-Berkeley School of Public Health (1999, 2010)  
 University of California-Hastings College of the Law (2013)  
 University of California-Los Angeles School of Law (2004)  
 University of California-Los Angeles School of Medicine (2003, 2004)  
 University of California-Los Angeles School of Public Health (2005)  
 University of Chicago School of Law (1987)  
 University of Cincinnati College of Law (2007)  
 University of Cincinnati College of Medicine (annual 1984-1998, 2003, 2012)  
 University of Georgia School of Law (2000)  
 University of Kentucky College of Law (2002)  
 University of Kentucky College of Medicine (2013)  
 University of Maryland School of Law (2008)  
 University of Memphis School of Law (1996)  
 University of Michigan School of Public Health (1987, 1988, 1991)  
 University of Minnesota School of Law (2002, 2003, 2007, 2012, 2013)  
 University of Minnesota School of Medicine (2002, 2003)  
 University of Missouri School of Law (2000)  
 University of North Carolina (2011)  
 University of North Carolina School of Medicine (2003)  
 University of Ottawa (2009)  
 University of Pittsburgh Medical Center (2006)  
 University of Pittsburgh School of Law (1988)  
 University of Pittsburgh School of Medicine (2000)  
 University of Pittsburgh School of Public Health (2000)  
 University of South Carolina School of Law (Johnson & Johnson Lecture, 2005)  
 University of Tennessee Health Sciences Center (2002)  
 University of Texas Graduate School of Biomedical Sciences (1993, 1994, 1995)  
 University of Texas – Houston School of Medicine (2010)  
 University of Texas Medical Branch-Galveston (1994, 1996)  
 University of Texas School of Law (1999)  
 University of Texas School of Public Health (annual, 1985-2000)  
 University of Toronto School of Law (2011)  
 University of Utah School of Law (2010)  
 University of Utah School of Medicine (1999, 2004, 2007)  
 University of Virginia (2008)  
 University of Virginia Medical Center (2005)  
 University of Virginia School of Law (2009, 2011, 2013)  
 University of Washington School of Medicine (2003)  
 Utah Legislature (1998)  
 Vanderbilt University School of Medicine (2003, 2013)  
 Washington State Department of Health (1999)  
 Workshop on International Cooperation for the Human Genome Project (Valencia, Spain 1990), (Bilbao, Spain 1993)  
 World Conference on Diabetes Research (Monaco, 1992)  
 World Healthcare Innovation & Technology Congress (2008)



World Research Group (2004)  
Wyoming Medical Association/Wyoming Bar Association (1987)  
Xavier (La.) University (1999)  
Yale University (2004)  
Zeta Phi Beta Educational Foundation (2003)

## **BAR MEMBERSHIPS**

Supreme Court of the United States  
District of Columbia Court of Appeals  
Supreme Court of Pennsylvania

## **PROFESSIONAL MEMBERSHIPS**

American Public Health Association  
American Society for Bioethics and Humanities  
American Society of Human Genetics  
American Society of Law, Medicine & Ethics

## **SPONSORED RESEARCH** (all as principal investigator unless otherwise noted)

2007	“Center for Environmental Genomics and Integrative Biology,” National Institutes of Health, \$50,552 (co-investigator)
2003	“Center for Public Health Law Partnerships,” Centers for Disease Control and Prevention, \$989,000
2003	“Quarantine and Isolation: Lessons Learned from SARS,” Centers for Disease Control and Prevention, \$99,868
2002	“Education in Genetics Ethics,” National Human Genome Research Institute, National Institutes of Health, \$1,460,592
2002	“Research Agenda for Maternal Fatality Review Laws,” Centers for Disease Control and Prevention/American College of Obstetricians and Gynecologists, \$10,868
2001	“Analysis of State Child Fatality Review Laws,” Centers for Disease Control and Prevention, \$171,202
2001	“Regulation of Biobanks: Banking Without Checks or Insured Deposits?,” United States Department of Energy, \$600,000
2001	“Genetic Ties and the Future of the Family,” National Human Genome Research Institute, National Institutes of Health, \$814,471
2000	“Pharmacogenomics and Minority Populations,” National Institute of



General Medical Sciences, National Institute of Environmental Health Sciences, and National Human Genome Research Institute of the National Institutes of Health, \$903,748

2000 "Genetic Information and Life Insurance Underwriting," National Human Genome Research Institute, National Institutes of Health, \$784,227

2000 "Texas Genetics Legislation," Texas Department of Health, \$7,500 (co-investigator)

2000 "Legal Issues in the Regulation of Tuberculosis," Centers for Disease Control and Prevention, \$7,500

2000 "Evaluating the Effectiveness of Laws Regulating Tobacco in Texas," Centers for Disease Control and Prevention/Texas Department of Health, \$50,000 (co-investigator)

1999 "Texas Health Legislation Research Center," Texas Legislature, \$700,000

1998 "Texas Partnership to Improve End-of-Life Care," Robert Wood Johnson Foundation, \$75,000 (co-investigator)

1998 "Policy Development on Managed Care and Cancer in Texas," Texas Cancer Council, \$105,000

1997 "Legal Protections for People with Disabilities," National Institute on Disability and Rehabilitation Research, United States Department of Education, \$60,000 (co-investigator)

1997 "Texas Health Legislation Research Center," Texas Legislature, \$700,000

1997 "Education on Legal Issues Involving Managed Care and Cancer," Texas Cancer Council, \$104,000

1996 "Measuring the Effects of a Unique Law Limiting Employee Medical Examinations to Job-Related Matters," United States Department of Energy, \$126,000

1996 "Impact of Managed Care on Cancer Services in Texas," Texas Cancer Council, \$99,000

1995 "Privacy, Confidentiality, and New Genetic Technology," United States Department of Energy, \$30,000

1995 "Family Violence and the Health Care System in Texas," Texas

Legislature, \$518,200

- 1993 "Nonfinancial Barriers to Health Care in Texas," Texas Legislature, \$283,600
- 1992 "The Human Genome Project and the Future of Health Care," National Center for Human Genome Research, National Institutes of Health, \$70,000 (co-investigator)
- 1991 "Occupational Injury and Illness in Texas," Texas Legislature, \$290,400
- 1990 "Legal and Ethical Issues Raised by the Human Genome Project," National Center for Human Genome Research, National Institutes of Health, \$90,000

## PUBLICATIONS

### Books

1. Mark A. Rothstein, Occupational Safety and Health Law (West Group) (1978), (2d ed. 1983), (3d ed. 1990), (4th ed. 1998), and annual editions: 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013
2. Lori B. Andrews, Maxwell J. Mehlman, & Mark A. Rothstein, Genetics: Ethics, Law and Policy (West Group) (2002), (2d ed. 2006), (3d ed. 2010)
3. Mark A. Rothstein & Lance Liebman, Cases and Materials on Employment Law (Foundation Press) (1987), (2d ed. 1991), (3d ed. 1994), (4th ed. 1998), (5<sup>th</sup> ed. 2003), (6<sup>th</sup> ed. 2007), (7<sup>th</sup> ed. 2011), and 2013 Supplement
4. Mark A. Rothstein, Charles B. Craver, Elinor P. Schroeder & Elaine W. Shoben, Employment Law Treatise (2 vols.) (West Group) (1994), (2d ed. 1999), (3d ed. 2004), (4th ed. 2009), and 2013 Supplement
5. Mark A. Rothstein, Charles B. Craver, Elinor P. Schroeder, & Elaine W. Shoben, Employment Law Hornbook (West Group) (1994), (2d ed. 1999), (3d ed. 2004), (4th ed. 2009)
6. Daniel Oberdorfer & Mark A. Rothstein, West's Legal Forms (Employment Law) (Vol. 24A) (Thomson/West) (3d ed. 2003), and 2010 Supplement
7. Baruch A. Brody, Mark A. Rothstein, Laurence B. McCullough, & Mary Anne Bobinski, Medical Ethics: Analysis of the Issues Raised by the Codes, Opinions and Statements (BNA Books) (2001)
8. Mark A. Rothstein, Charles B. Craver, Elinor P. Schroeder, Elaine W. Shoben & Lea VanderVelde, Human Resources and the Law (BNA Books)

(1994)

9. Mark A. Rothstein, Medical Screening and the Employee Health Cost Crisis (BNA Books) (1989)
10. Mark A. Rothstein, Medical Screening of Workers (BNA Books) (1984)

#### Books Edited

11. Mark A. Rothstein, Thomas H. Murray, Mary Anderlik Majumder, & Gregory E. Kaebnick, eds., Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children (Johns Hopkins University Press) (2005)
12. Mark A. Rothstein, ed., Genetics and Life Insurance: Medical Underwriting and Social Policy (MIT Press) (2004), paperback (2009)
13. Mark A. Rothstein, ed., Pharmacogenomics: Social, Ethical, and Clinical Dimensions (Wiley-Liss) (2003)
14. Richard A. Goodman, Mark A. Rothstein, Richard E. Hoffman, Wilfredo Lopez, & Gene W. Matthews, eds., Law in Public Health Practice (Oxford University Press) (2002), (2d ed. 2006)
15. Baruch A. Brody, Mark A. Rothstein, Laurence B. McCullough, & Mary Anne Bobinski, eds., Medical Ethics: Codes, Opinions, and Statements (BNA Books) (2000)
16. Ronald A. Carson & Mark A. Rothstein, eds., Behavioral Genetics: The Clash of Culture and Biology (Johns Hopkins University Press) (1999), paperback (2002)
17. Mark A. Rothstein, ed., Genetic Secrets: Protecting Privacy and Confidentiality in the Genetic Era (Yale University Press) (1997), paperback (1999)
18. Thomas H. Murray, Mark A. Rothstein, & Robert F. Murray, Jr., eds., The Human Genome Project and the Future of Health Care (Indiana University Press) (1996)
19. Mark A. Rothstein, ed., Legal and Ethical Issues Raised by the Human Genome Project: Proceedings of the Conference in Houston, Texas, March 7-9, 1991 (Health Law and Policy Institute) (1991)

#### Book Chapters

20. Mark A. Rothstein, Privacy and Confidentiality, Handbook of Medical Law

and Ethics (Bartha Maria Knoppers & Yann Joly, eds.) (Routledge 2013)

21. Heather L. Harrell & Mark A. Rothstein, Genetic Privacy, ACP Clinical Genetics (Michael Murray et al., eds.) (McGraw-Hill 2013)
22. Mark A. Rothstein, Legal and Ethical Implications of Epigenetics, Environmental Epigenomics in Health and Disease (Randy L. Jirtle & Frederick L. Tyson, eds.) (Springer-Verlag 2013)
23. Mark A. Rothstein, Occupational Health Law, Occupational Health Services: A Practical Approach, 2d ed. (Tee L. Guidotti et al., eds.) (Routledge 2012)
24. Mark A. Rothstein, Protecting Privacy in Genetic Research on Alcohol Dependence and Other Addictions, Genetic Research on Addiction: Ethics, the Law and Public Health (Audrey Chapman, ed.) (Cambridge University Press 2012)
25. Mark A. Rothstein, Informed Consent in Pharmacogenomic Research and Treatment, Principles of Pharmacogenetics and Pharmacogenomics (Russ Altman, David Flockhart, & David Goldstein, eds.) (Cambridge University Press 2012)
26. Mark A. Rothstein & Yann Joly, Genetic Information and Insurance Underwriting: Contemporary Issues and Approaches in the Global Economy, Handbook of Genetics and Society: Mapping the New Genomic Era (Paul Atkinson, Peter Glasner, & Margaret Lock, eds.) (Routledge 2009)
27. Mark A. Rothstein, Occupational Health and Discrimination Issues Raised by Toxicogenomics in the Workplace, Genomics and Environmental Regulation (Richard R. Sharp, Gary E. Marchant, & Jamie Grodsky, eds.) (Johns Hopkins University Press 2008)
28. Mark A. Rothstein, Privacy Issues in Public Health Genomics, Genomics and Public Health: Legal and Socio-Ethical Perspectives (Bartha Maria Knoppers, ed.) (Martinus Nijhoff Publishers 2007)
29. Mark A. Rothstein, Privacy and Confidentiality in the Nationwide Health Information Network, Paper Kills: Transforming Health and Health Care with Information Technology (David Merritt, ed.) (CHT Press 2007)
30. Mark A. Rothstein & Heather L. Hinds, Ethical Criteria for Evaluating Hand Transplantation, Hand Transplantation (Vijay S. Gorantla, ed.) (Landes Bioscience 2006)
31. Ellen Wright Clayton & Mark A. Rothstein, Integrating Genetics Into Public Health Policy and Practice, Law in Public Health Practice, 2d ed. (Richard A. Goodman et al. eds.) (Oxford University Press 2006)

32. Mary Anderlik Majumder & Mark A. Rothstein, Pharmacogenomics and Cancer: Ethical, Legal and Social Issues, Cancer Bioinformatics: From Cancer Biology to Therapy Design and Treatment (Sylvia Nagl, ed.) (John Wiley & Sons 2006)
33. M. Gabriela Alcalde & Mark A. Rothstein, Ethical Considerations in Pharmacogenomic Research, Pharmacogenomics and Proteomics: Enabling the Practice of Personalized Medicine (Steven H. Wong, Mark W. Linder & Roland Valdes, Jr., eds.) (AACC Press 2006)
34. Mark A. Rothstein, Translating Values and Interests Into the Law of Parentage Determination, Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children (Mark A. Rothstein et al., eds.) (Johns Hopkins University Press 2005)
35. Mark A. Rothstein, Government Agencies/Statutes/Legislation, Textbook of Clinical Occupational and Environmental Medicine, 2d ed. (Linda Rosenstock et al., eds.) (Elsevier Saunders 2005)
36. Mark A. Rothstein & Carlton A. Hornung, Public Attitudes About Genetics and Life Insurance, Genetics and Life Insurance: Medical Underwriting and Social Policy (Mark A. Rothstein, ed.) (MIT Press 2004)
37. Mark A. Rothstein, Policy Recommendations, Genetics and Life Insurance: Medical Underwriting and Social Policy (Mark A. Rothstein, ed.) (MIT Press 2004)
38. Mark A. Rothstein & Carlton A. Hornung, Public Attitudes About Pharmacogenomics, Pharmacogenomics: Social, Ethical, and Clinical Dimensions (Mark A. Rothstein, ed.) (Wiley-Liss 2003)
39. Mark A. Rothstein, Epilogue: Policy Prescriptions, Pharmacogenomics: Social, Ethical, and Clinical Dimensions (Mark A. Rothstein, ed.) (Wiley-Liss 2003)
40. Laura Beskow, Marta Gwinn, & Mark A. Rothstein, Integrating Genomics Into Public Health Policy and Practice, Law in Public Health Practice (Richard Goodman et al., eds.) (Oxford University Press 2002)
41. Phyllis Griffin Epps & Mark A. Rothstein, Pharmacogenomics: Ensuring Equality in Drugs Based on Difference, Pharmacogenomics: The Search for Individualized Therapeutics (Julio Licinio & Ma-Li Wong, eds.) (Wiley-VCH 2002)
42. Mark A. Rothstein, OSHA Law and Practice, West's Federal Administrative Practice, 4<sup>th</sup> ed. (vol. 3, chs. 34-38) (West Group 2001), and 2010 Supp.
43. Mark A. Rothstein, Bias and Discrimination, Confidentiality, Genetics,

Public Health, and Health Care Policy, Medical Ethics: Analysis of The Issues Raised by the Codes, Opinions and Statements (Baruch A. Brody, Mark A. Rothstein, Laurence B. McCullough, and Mary Anne Bobinski, eds.) (BNA Books 2001)

44. Mark A. Rothstein, Genetic Determinism: Its Effects on Culture and Law, Behavioral Genetics: The Clash of Culture and Biology (Ronald A. Carson & Mark A. Rothstein, eds.) (Johns Hopkins University Press 1999)
45. Mark A. Rothstein, The Law of Medical and Genetic Privacy in the Workplace and Genetic Secrets: A Policy Framework, Genetic Secrets: Protecting Privacy and Confidentiality in the Genetic Era (Mark A. Rothstein, ed.) (Yale University Press 1997)
46. Mark A. Rothstein, The Genetic Factor in Health Care Reform: Framing the Policy Debate, The Human Genome Project and the Future of Health Care (Thomas H. Murray, Mark A. Rothstein, Robert F. Murray, Jr., eds.) (Indiana University Press 1996)
47. Mark A. Rothstein, Ethical Issues Surrounding the New Technology as Applied to Health Care, Biotechnology: Science, Engineering, and Ethical Challenges for the Twenty-first Century (Frederick B. Rudolph & Larry V. McIntire, eds.) (Joseph Henry Press 1996)
48. Mark A. Rothstein, The Challenge of New Genetic Information for the Law of Health and Life Insurance, The Human Genome Project: Legal Aspects, vol. 3 (Fundación BBV, Madrid 1996)
49. Mark A. Rothstein, Medical Record Confidentiality in the Workplace, Healthcare, Privacy @ CYBERSPACE (SUNY at Albany 1995)
50. Mark A. Rothstein, Genetic Discrimination in Employment: Ethics, Policy, and Comparative Law, Human Genetic Analysis and the Protection of Personality and Privacy (Schulthess Polygraphischer Verlag, Zurich 1995)
51. Mark A. Rothstein, The Americans with Disabilities Act, Workers' Compensation, and Related Issues of Occupational Medicine Practice, Textbook of Clinical Occupational and Environmental Medicine (Linda S. Rosenstock & Mark Cullen, eds.) (W.B. Saunders Co. 1994)
52. Mark A. Rothstein, Legal Concerns in Worker Notification and the Use of Biomarkers in Medical Surveillance, Biomarkers and Occupational Health: Progress and Perspectives (Mortimer L. Mendelsohn, John P. Peeters, & Mary Janet Normandy, eds.) (Joseph Henry Press 1994)
53. Mark A. Rothstein, Genetics, Insurance, and the Ethics of Genetic Counseling, Molecular Genetic Medicine, vol. 3 (Theodore Friedmann, ed.) (Academic Press 1993)

54. Mark A. Rothstein, Arbitration in the Employer Welfare State, Arbitration 1991: The Changing Face of Arbitration in Theory and Practice, Proceedings of the Forty-Fourth Annual Meeting of the National Academy of Arbitrators (BNA Books 1992)
55. Mark A. Rothstein, The Genome Project and Employment Law, Legal and Ethical Issues Raised by the Human Genome Project (Mark A. Rothstein, ed.) (Health Law and Policy Institute 1991)
56. Mark A. Rothstein, The Law/Medicine Interface in Assessing Vocational Capacity, Vocational Assessment of Impaired Workers (Steven Scheer, ed.) (Aspen Press 1990)
57. Mark A. Rothstein, Legal and Ethical Issues in the Laboratory Assessment of Genetic Susceptibility to Cancer, Genetic Susceptibility to Cancer: Laboratory Approaches (Lawrence Spatz, Arthur D. Bloom, & Natalie W. Paul, eds.) (Environmental Health Institute/March of Dimes 1990)
58. Mark A. Rothstein, Employee Testing: Drug and AIDS Testing, Occupational Health Services (William L. Newkirk & Lynn D. Jones, eds.) (American Hospital Publishing 1989)
59. Mark A. Rothstein, Screening Workers for AIDS, AIDS and the Law (Harlon L. Dalton & Scott Burris, eds.) (Yale University Press 1987)

#### Symposia

60. Melissa M. Goldstein & Mark A. Rothstein, eds., Symposium: The Effects of Health Information Technology on the Practice of Medicine, 38(1) J. L. Med. & Ethics 1-84 (2010)
61. Mark A. Rothstein & Bartha Maria Knoppers, eds., Symposium: Regulation of Biobanks, 33(1) J.L. Med. & Ethics 1-101 (2005)

#### Articles

[ \* indicates article may be viewed and downloaded from:  
<http://ssrn.com/author=139038> ]

62. Mark A. Rothstein, Ethical Considerations for Modern Quarantine: American Perspectives (under submission)
63. Ribhi Hazin, Kyle B. Brothers, . . . Mark A. Rothstein, et al., Ethical, Legal and Social Implications of Incorporating Genomic Information into Electronic Health Records, 15 Genetics In Med. \_\_\_\_ (2013)



64. Lainie Friedman Ross, Mark A. Rothstein, & Ellen Wright Clayton, Should Incidental Findings Discovered with Whole Genome Sequencing/Testing Be Sought and Reported to Ordering Clinicians and to Patients (or their Surrogates)?, \_\_\_\_ JAMA \_\_\_\_ (2013)
65. Lainie Friedman Ross, Mark A. Rothstein, & Ellen Wright Clayton, Premature Guidance About Whole Genome Sequencing, \_\_\_\_ Personalized Med. \_\_\_\_ (2013)
66. \* Mark A. Rothstein, Epigenetic Exceptionalism, 41 J.L. Med. & Ethics \_\_\_\_ (2013)
67. \* Mark A. Rothstein, HIPAA Privacy Rule 2.0, 41 J.L. Med. & Ethics \_\_\_\_ (2013)
68. \* Mark A. Rothstein & Abigail B. Shoben, An Unbiased Response to the Open Peer Commentaries on Consent Bias, 13(4) Am. J. Bioethics W1-W4 (2013)
69. \* Mark A. Rothstein & Abigail B. Shoben, Does Consent Bias Research?, 13(4) Am. J. Bioethics 27-37 (2013)
70. \* Mark A. Rothstein & Gil Siegal, Health Information Technology and Physicians' Duty to Notify Patients of New Medical Developments, 12 Hous. J. Health L. & Pol'y 93-136 (2012)
71. \* Mark A. Rothstein, The Case Against Precipitous, Population-Wide, Whole-Genome Sequencing, 40 J.L. Med. & Ethics 682-689 (2012)
- 72.\* Mark A. Rothstein, Access to Sensitive Information in Segmented Electronic Health Records, 40 J.L. Med. & Ethics 394-400 (2012)
- 73.\* Mark A. Rothstein, Physicians' Duty to Inform Patients of New Medical Discoveries: The Effect of Health Information Technology, 39 J.L. Med. & Ethics 690-693 (2011)
- 74.\* Mark A. Rothstein, Constitutional Right to Informational Health Privacy in Critical Condition, 39 J.L. Med. & Ethics 280-284 (2011)
- 75.\* Mark A. Rothstein, Who Will Treat Medicaid and Uninsured Patients? Retired Providers Can Help, 39 J.L. Med. & Ethics 91-95 (2011)
- 76.\* Mark A. Rothstein, Health Care Reform and Medical Malpractice Claims, 38 J.L. Med. & Ethics 871-874 (2010)
- 77.\* Mark A. Rothstein, Deidentification and Its Discontents: A Response to the Open Peer Commentaries, 10(9) Am. J. Bioethics W1-W2 (2010)



- 78.\* Mark A. Rothstein, Is Deidentification Sufficient to Protect Health Privacy in Research?, 10(9) Am. J. Bioethics 3-11 (2010)
- 79.\* Mark A. Rothstein, Should Health Care Providers Get Treatment Priority in an Influenza Pandemic?, 38 J. L. Med. & Ethics 412-419 (2010)
- 80.\* Mark A. Rothstein, Malpractice Immunity for Volunteer Physicians in Public Health Emergencies – Adding Insult to Injury, 38 J.L. Med. & Ethics 149-153 (2010)
- 81.\* Mark A. Rothstein, The Hippocratic Bargain and Health Information Technology, 38 J.L. Med. & Ethics 7-13 (2010)
- 82.\* Mark A. Rothstein, The Role of Law in the Development of American Bioethics, 20 J. Int'l de Bioéthique 73-84 (2010)
- 83.\* Mark A. Rothstein & Heather L. Harrell, Health Risk Reduction Programs in Employer-Sponsored Health Plans: Part II – Law and Ethics, 51 J. Occup. & Env'tl. Med. 951-957 (2009)
- 84.\* Mark A. Rothstein & Heather L. Harrell, Health Risk Reduction Programs in Employer-Sponsored Health Plans: Part I - Efficacy, 51 J. Occup. & Env'tl. Med. 943-950 (2009)
- 85.\* Mark A. Rothstein, Improve Privacy in Research by Eliminating Informed Consent? IOM Report Misses the Mark, 37 J. L. Med. & Ethics 507-512 (2009)
- 86.\* Mark A. Rothstein, Yu Cai, & Gary E. Marchant, The Ghost in Our Genes: Legal and Ethical Implications of Epigenetics 19 Health Matrix 1-62 (2009)
- 87.\* Mark A. Rothstein, The Limits of Public Health: A Response, 2 Pub. Health Ethics 84-88 (2009)
- 88.\* Mark A. Rothstein, Genetic Stalking and Voyeurism: A New Challenge to Privacy, 57 U. Kansas L. Rev. 539-578 (2009)
- 89.\* Mark A. Rothstein, GINA, the ADA, and Genetic Discrimination in Employment, 36 J.L. Med. & Ethics 837-840 (2008)
- 90.\* Mark A. Rothstein, Putting the Genetic Information Nondiscrimination Act in Context, 10 Genetics in Med. 655-656 (2008)
- 91.\* Mark A. Rothstein, Keeping Your Genes Private, Scientific American, Sept. 2008, 64-69
92. Amy L. McGuire, . . . Mark A. Rothstein et al., Confidentiality, Privacy, and Security Considerations for the Storage of Genetic and Genomic Test

- Information in Electronic Health Records: Consensus Statement, 10 Genetics in Med. 495-499 (2008)
- 93.\* Mark A. Rothstein, Is GINA Worth the Wait?, 36 J.L. Med. & Ethics 174-178 (2008)
- 94.\* Mark A. Rothstein, Health Privacy in the Electronic Age, 28 J. Legal Med. 487-501 (2007)
- 95.\* Mark A. Rothstein & Meghan K. Talbott, Job Security and Income Replacement for Individuals in Quarantine: The Need for Legislation, 10 J. Health Care L. & Pol'y 239-257 (2007)
96. Herbert Hendin, . . . Mark A. Rothstein, et al., Licensing and Physician Mental Health: Problems and Possibilities, 93 J. Med. Licensure & Discipline No. 2, 6-11 (2007)
- 97.\* Mark A. Rothstein, Legal Conceptions of Equality in the Genomic Age, 25 L. & Inequality 429-463 (2007)
- 98.\* Mark A. Rothstein & Meghan K. Talbott, Encouraging Compliance with Quarantine: A Proposal to Provide Job Security and Income Replacement, 97 Am. J. Pub. Health S49-S56 (2007)
- 99.\* Mark A. Rothstein & Meghan K. Talbott, Compelled Authorizations for Disclosure of Health Records: Magnitude and Implications, 7 Am. J. Bioethics No. 3, 38-45 (2007)
- 100.\* Mark A. Rothstein & Meghan K. Talbott, Compelled Authorizations for Disclosure of Health Records: Response to the Open Peer Commentaries, 7 Am. J. Bioethics No. 3, W-1 to W-3 (2007)
101. Mark A. Rothstein, Tiered Disclosure Options Promote the Autonomy and Well-Being of Research Subjects, 6 Am. J. Bioethics No. 6, 20-22 (2006)
- 102.\* Mark A. Rothstein & Meghan K. Talbott, Compelled Disclosure of Health Information: Protecting Against the Greatest Potential Threat to Privacy, 295 JAMA 2882-2885 (2006)
- 103.\* Mark A. Rothstein & Meghan K. Talbott, The Expanding Use of DNA in Law Enforcement: What Role for Privacy?, 34 J.L. Med. & Ethics 153-164 (2006)
- 104.\* Mark A. Rothstein, Liability Issues in Pharmacogenomics, 66 La. L. Rev. 117-124 (2005)
- 105.\* Mark A. Rothstein, Applications of Behavioural Genetics: Outpacing the Science?, 6 Nature Reviews Genetics 793-798 (2005)

- 106.\* Mark A. Rothstein, Genetic Exceptionalism and Legislative Pragmatism, 35 Hastings Center Rep. No. 4, 27-33 (July-Aug. 2005), reprinted at 35 J.L. Med. & Ethics Supp. No. 2, at 59-65 (2007)
- 107.\* Mark A. Rothstein, Genetic Justice, 352 New Eng. J. Med. 2667-2668 (2005)
- 108.\* Mark A. Rothstein, Expanding the Ethical Analysis of Biobanks, 33 J.L. Med. & Ethics 89-101 (2005)
- 109.\* Mark A. Rothstein, Research Privacy Under HIPAA and the Common Rule, 33 J.L. Med. & Ethics 154-159 (2005)
- 110.\* Mark A. Rothstein, Are Traditional Public Health Strategies Consistent with Contemporary American Values?, 77 Temple L. Rev. 175-192 (2004)
111. Mark A. Rothstein, The Growth of Health Law and Bioethics, 14 Health Matrix 213-218 (2004)
112. Mary R. Anderlik & Mark A. Rothstein, Canavan Decision Favors Researchers Over Families, 31 J.L. Med. & Ethics 450-454 (2003)
113. Lawrence H. Lash, Ronald N. Hines, Frank J. Gonzalez, Timothy R. Zacherewski & Mark A. Rothstein, Genetics and Susceptibility to Toxic Chemicals: Do You (or Should You) Know Your Genetic Profile?, 305 J. Pharmacology & Experimental Therapeutics 403-409 (2003)
114. M. Gabriela Alcalde & Mark A. Rothstein, Pharmacogenomics: Ethical Concerns and Pharmacy Practice, 59 Am. J. Health-Syst. Pharmacy No. 22, at 2239-2240 (2002)
115. Susan Gerard, Maxine Hayes, & Mark A. Rothstein, On the Edge of Tomorrow: Fitting Genomics into Public Health Policy, 30 J.L. Med. & Ethics 173-176 (2002)
116. Mark A. Rothstein, Discrimination in Employment on the Basis of Genetics, 2 Employee Rts. & Employment Pol'y J. 112-122 (2002)
- 117.\* Mark A. Rothstein, Serge A. Martinez & W. Paul McKinney, Using Established Medical Criteria to Define Disability: A Proposal to Amend the Americans with Disabilities Act, 80 Wash. U.L.Q. 243-297 (2002)
- 118.\* Mary R. Anderlik & Mark A. Rothstein, DNA-Based Identity Testing and the Future of the Family: A Research Agenda, 28 Am. J.L. & Med. 215-232 (2002)
119. Mark A. Rothstein & Mary R. Anderlik, The AbioCor Artificial Heart Replacement: Bioengineering Meets Bioethics, 16 J. Cardiothoracic &

Vascular Anesthesia 234-239 (2002)

- 120.\* Mark A. Rothstein, Rethinking the Meaning of Public Health, 30 J.L. Med. & Ethics 144-149 (2002)
121. Mary R. Anderlik & Mark A. Rothstein, Genetic Privacy: A War Fought on Many Fronts, Update - - N.Y. Academy of Sciences Mag. 198-204 June/July 2002
- 122.\* Mark A. Rothstein, The Role of IRBs in Research Involving Commercial Biobanks, 30 J.L. Med. & Ethics 105-108 (2002)
- 123.\* Mark A. Rothstein & Mary R. Anderlik, Commentary, What Is Genetic Discrimination and When and How Can It Be Prevented?, 3 Genetics in Med. 354-358 (2001)
- 124.\* Mark A. Rothstein & Phyllis Griffin Epps, Pharmacogenomics and the (Ir)relevance of Race, 1 Pharmacogenomics J. 104-108 (2001)
- 125.\* Mark A. Rothstein & Sandra Carnahan, Legal and Policy Issues in Expanding the Scope of Law Enforcement DNA Data Banks, 67 Brooklyn L. Rev. 127-177 (2001)
- 126.\* Mary R. Anderlik & Mark A. Rothstein, Privacy and Confidentiality of Genetic Information: What Rules for the New Science?, 2 Ann. Rev. Genomics & Human Genetics 401-433 (2001)
- 127.\* Mark A. Rothstein, Predictive Genetic Testing for Alzheimer's Disease in Long-Term Care Insurance, 35 Ga. L. Rev. 707-733 (2001)
- 128.\* Mark A. Rothstein & Phyllis Griffin Epps, Ethical and Legal Implications of Pharmacogenomics, 2 Nature Revs. Genetics 228-231 (2001)
- 129.\* Mark A. Rothstein, Ethical Guidelines for Medical Research on Workers, 42 J. Occup. & Env't'l Med. 1166-1171 (2000)
- 130.\* Mark A. Rothstein, Genetics and the Work Force of the Next Hundred Years, 3 Colum. Bus. L. Rev. 371-402 (2000)
131. Mark A. Rothstein & Mary Kay Peliass, Genetic Testing in Adoption: Joint Statement of the American Society of Human Genetics and the American College of Medical Genetics, 56 Am. J. Human Genetics 761-767 (2000)
132. Mark A. Rothstein, Why Treating Genetic Information Separately Is a Bad Idea, 4 Tex. Rev. L. & Politics 33-37 (1999)
133. Mark A. Rothstein, The Impact of Behavioral Genetics on the Law and the Courts, 83 Judicature 116-123 (1999)

- 134.\* Mark A. Rothstein & Sharona Hoffman, Genetic Testing, Genetic Medicine, and Managed Care, 34 Wake Forest L. Rev. 849-888 (1999)
135. Barbara Fuller, ... Mark A. Rothstein, ... et al., Privacy in Genetics Research, 285 Science 1359-1361 (1999)
- 136.\* Mark A. Rothstein, Betsy D. Gelb, & Steven G. Craig, Protecting Genetic Privacy by Permitting Employer Access Only to Job-Related Medical Information: Analysis of a Unique Minnesota Law, 24 Am. J.L. & Med. 399-417 (1998)
- 137.\* Mark A. Rothstein, Genetic Privacy and Confidentiality: Why They Are So Hard to Protect, 26 J.L. Med. & Ethics 181-186 (1998)
138. S. Van McCrary & Mark A. Rothstein, Where Are We Now? Family Violence and the Health Care System in Texas, 94 Tex. Med. 44-48 (1998)
- 139.\* Mark A. Rothstein, A Proposed Revision of the ACOEM Code of Ethics, 39 J. Occup. & Env'tl. Med. 616-622 (1997)
140. Karen Rothenberg, Barbara Fuller, Mark A. Rothstein, et al., Genetic Information and the Workplace: Legislative Approaches and Policy Challenges, 275 Science 1755-1757 (1997)
141. Mark A. Rothstein, Health Care: Public and Private Systems in the Americas, 17 Compar. Lab. L.J. 612-625 (1996)
142. Mark A. Rothstein & Bartha Maria Knoppers, Legal Aspects of Genetics, Work, and Insurance in North America and Europe, 3 European J. Health L. 143-161 (1996)
- 143.\* Mark A. Rothstein, Preventing the Discovery of Plaintiff Genetic Profiles by Defendants Seeking to Limit Damages in Personal Injury Litigation, 71 Ind. L. J. 877-910 (1996)
144. Mark A. Rothstein, Legal and Ethical Aspects of Medical Screening, 11 Occup. Med.: State of the Art Revs. 32- 39 (1996)
145. Mark A. Rothstein, Kathleen Kennedy, Karen Ritchie, & Kirsten Pyle, Are Cancer Patients Subject to Employment Discrimination?, 9 Oncology 1303-1306 (1995)
146. Mark A. Rothstein, An Overview of Labor and Employment Law Issues in Hospital Closures and Downsizing, 28 J. Health & Hosp. L. 336-343 (1995)
147. Mark A. Rothstein, The Use of Genetic Information for Nonmedical Purposes, 9 J.L. & Health 109-120 (1995)

148. Mark A. Rothstein, Genetic Testing: Employability, Insurability & Health Reform, 17 Monog. Nat'l Cancer Inst. 87-90 (1995)
149. Sharon P. Cooper & Mark A. Rothstein, Health Hazards Among Working Children in Texas, 88 Southern Med. J. 550-554 (1995)
150. Mark A. Rothstein, Taking the Patient's View of Health Reform, 3 J. Am. Health Policy No. 5; 27-31(Sept./Oct. 1993)
151. Mark A. Rothstein, Legal Issues in Genetic Testing, 25 J. Ins. Med. 267-278 (1993)
152. Mark A. Rothstein, Discrimination Based on Genetic Information, 33 Jurimetrics J. 13-18 (1992)
153. Mark A. Rothstein, Genetic Discrimination in Employment and the Americans with Disabilities Act, 29 Hous. L. Rev. 23-84 (1992)
154. Mark A. Rothstein, Wrongful Refusal to Hire: Attacking the Other Half of the Employment At-Will Rule, 24 Conn. L. Rev. 97-146 (1991)
155. Mark A. Rothstein, Workplace Drug Testing: A Case Study in the Misapplication of Technology, 5 Harv. J.L. & Tech. 65-93 (1991)
156. Mark A. Rothstein, Genetic Screening in Employment: Some Legal, Ethical, and Societal Issues, 1 Int'l J. Bioethics 239-244 (1991)
157. Mark A. Rothstein, A Proposed Model Act for the Reinstatement of Employees Upon Recovery from Work-Related Injury or Illness, 26 Harv. J. on Legis. 263-283 (1989)
158. Mark A. Rothstein, Medical Screening and Employment Law: A Note of Caution and Some Observations, 1988 U. Chi. Legal F. 1-32
159. Mark A. Rothstein, Legal Considerations in Worker Fitness Evaluations, 3 Occup. Med.: State of the Art Revs. 209-218 (1988)
160. Mark A. Rothstein, Workplace Drug Testing: The Challenge to Employment Relations and Employment Law, 63 Chi.-Kent L. Rev. 683-743 (1987)
161. Mark A. Rothstein (for the Council on Scientific Affairs of the American Medical Association), Issues of Employee Drug Testing, 258 JAMA 2089-2096 (1987)
162. Mark A. Rothstein, Refusing to Employ Smokers: Good Public Health or Bad Public Policy?, 62 Notre Dame L. Rev. 940-968 (1987)

163. Mark A. Rothstein, Medical Screening in the Workplace: Genetics, AIDS, and Beyond, 2 Labor Lawyer 675-682 (1986)
164. Mark A. Rothstein, Discriminatory Aspects of Medical Screening, 27 J. Occup. Med. 924-929 (1986)
165. Mark A. Rothstein, Screening Workers for Drugs: A Legal and Ethical Framework, 11 Employee Rel. L.J. 422-437 (1985-1986)
166. Mark A. Rothstein, Substantive and Procedural Obstacles to OSHA Rulemaking: Reproductive Hazards as an Example, 12 B.C. Env'tl. Aff. L. Rev. 627-700 (1985)
167. Mark A. Rothstein, Legal Issues in the Medical Assessment of Physical Impairment by Third-Party Physicians, 5 J. Legal Med. 503-548 (1984)
168. Mark A. Rothstein, Reproductive Hazards and Sex Discrimination in the Workplace: New Legal Concerns in Industry and on Campus, 10 J. Coll. & U.L. 495-514 (1984)
169. Mark A. Rothstein, Employee Selection Based on Susceptibility to Occupational Illness, 81 Mich. L. Rev. 1379-1496 (1983)
170. Mark A. Rothstein, OSHA After Ten Years: A Review and Some Proposed Reforms, 34 Vand. L. Rev. 71-139 (1981)
171. Mark A. Rothstein, Judicial Review of Decisions of the Occupational Safety and Health Review Commission 1973-1978: An Empirical Study, 56 Chi.-Kent L. Rev. 607-633 (1980)
172. Mark A. Rothstein, OSHA Inspections After Marshall v. Barlow's, Inc., 1979 Duke L.J. 63-103 (1979)
173. Mark A. Rothstein & Laura F. Rothstein, Administrative Searches and Seizures: What Happened to Camara and See?, 50 Wash. L. Rev. 341-384 (1975)
174. Mark A. Rothstein, Private Actions for Public Nuisance: The Standing Problem, 76 W. Va. L. Rev. 453-479 (1974)

#### Judicial Bench Books

175. Mark A. Rothstein, Meghan K. Talbott, Amy R. Schofield, and Linda L. Chezem, Public Health Law Judicial Reference Guide for Kentucky Courts, Center for Public Health Law Partnerships, A CDC Collaborating Center (2006) (189 pp.), available at [http://louisville.edu/bioethics/public-health/KY\\_Benchbook.pdf/view](http://louisville.edu/bioethics/public-health/KY_Benchbook.pdf/view).



176. Amy R. Schofield, Linda L. Chezem, Larry I. Palmer, Mark A. Rothstein, and T. Howard Stone, Public Health Law Bench Book for Indiana Courts, Center for Public Health Law Partnerships, A CDC Collaborating Center (2005) (219 pp.), available at [http://louisville.edu/bioethics/public-health/IN\\_Benchbook.pdf/view](http://louisville.edu/bioethics/public-health/IN_Benchbook.pdf/view).

#### Reports

177. Mark A. Rothstein & Julia M. Rothstein, State Genetic Nondiscrimination Laws, A Report to the Institute on Biotechnology and the Human Future (2006) (53 pp.), available at [http://www.thehumanfuture.com/commentaries/genetic\\_discrimination/geneticdiscrimination\\_commentary\\_rothstein01.html](http://www.thehumanfuture.com/commentaries/genetic_discrimination/geneticdiscrimination_commentary_rothstein01.html).
178. Mark A. Rothstein et al., Quarantine and Isolation: Lessons Learned from SARS, A Report to the Centers for Disease Control and Prevention (2003) (160 pp.), available at <http://louisville.edu/bioethics/public-health/SARS.pdf/view>.
179. Mark A. Rothstein et al., Legal Analysis of the Institute of Medicine Recommendations to Expand Testing for and Treatment of Latent Tuberculosis, A Report to the Centers for Disease Control and Prevention (2000) (20 pp.)
180. Mark A. Rothstein et al., Family Violence and the Health Care System in Texas, A Report to the Texas Legislature (1997) (425 pp.)
181. Mark A. Rothstein et al., Nonfinancial Barriers to Health Care in Texas, A Report to the Texas Legislature (1995) (297 pp.)
182. Mark A. Rothstein et al., Occupational Injury and Illness in Texas, A Report to the Texas Legislature (1993) (274 pp.)
183. Mark A. Rothstein, Legal Issues in Occupational Drug Testing, A Report to the American Medical Association (1986) (30 pp.)
184. Mark A. Rothstein, The Regulation of Reproductive Hazards under OSHA, A Report to the United States Congress, Office of Technology Assessment (1984) (167 pp.)
185. Mark A. Rothstein, Legal Issues Raised by Biochemical Genetic and Cytogenetic Testing in the Workplace, A Report to the United States Congress, Office of Technology Assessment (1982) (100 pp.)

#### Short Articles, Commentaries, and Reviews

186. Mark A. Rothstein, Should Researchers Disclose Results to Descendants?,



- 13 Am. J. Bioethics \_\_\_\_ (2013)
187. Mark A. Rothstein, Ethical Research and Minorities, 103 Am. J. Pub. Health \_\_\_\_ (2013)
- 188.\* Mark A. Rothstein, Presidential Commission's Report on Whole-genome Sequencing and Privacy: A Missed Opportunity, 25 Gene Watch 15-16 (Oct.-Nov. 2012)
- 189.\* Mark A. Rothstein, Disclosing Decedents' Research Results to Relatives Violates the HIPAA Privacy Rule, 12 Am. J. Bioethics No. 10, 16-17 (2012)
- 190.\* Mark A. Rothstein, The Future of Public Health Ethics, 102 Am. J. Pub. Health 9 (2012)
- 191.\* Mark A. Rothstein, Debate Over Patient Privacy Controls in Electronic Health Records, Bioethics Forum, Feb. 17, 2011, [www.thehastingscenter.org/Bioethicsforum/post.aspx?id=5139&blogid=140](http://www.thehastingscenter.org/Bioethicsforum/post.aspx?id=5139&blogid=140)
- 192.\* Mark A. Rothstein, Worst Case Bioethics: Death, Disaster, and Public Health (book review), 31 J. Legal Med. 331-335 (2010)
- 193.\* Mark A. Rothstein, Expanding Access to Health Care: It Takes More Than Money, Bioethics Forum, Feb. 23, 2010, [www.thehastingscenter.org/BioethicsForum/Post.aspx?id=4496](http://www.thehastingscenter.org/BioethicsForum/Post.aspx?id=4496)
- 194.\* Mark A. Rothstein, Health Insurance Reform: Unintended Consequences, Bioethics Forum, Feb. 11, 2010, [www.thehastingscenter.org/BioethicsForum/Post.aspx?id=4484](http://www.thehastingscenter.org/BioethicsForum/Post.aspx?id=4484)
195. Melissa M. Goldstein & Mark A. Rothstein, Introduction to Symposium on Health Information Technology and the Practice of Medicine, 38(1) J.L. Med. & Ethics 6 (2010)
- 196.\* Mark A. Rothstein, Health Privacy and the Facebook Generation, Bioethics Forum, Aug. 11, 2009, [www.thehastingscenter.org/BioethicsForum/post.aspx?id=3794](http://www.thehastingscenter.org/BioethicsForum/post.aspx?id=3794)
- 197.\* Mark A. Rothstein, GINA's Beauty Is Only Skin Deep, 22 Gene Watch 9-12 (Apr.-May 2009)
- 198.\* Mark A. Rothstein, Yu Cai, & Gary E. Marchant, Ethical Implications of Epigenetic Research, 10 Nature Rev. Genetics 224 (2009)
199. Mark A. Rothstein, Is HIPAA flawed, or unnecessary? Reply to "HIPAA-cracy" (letter), Hastings Center Rep. 36(4):6-7 (2006)
200. Mark A. Rothstein, Transplanting Human Tissue: Ethics, Policy, and

- Practice (book review), Am. J. Bioethics 6(3):76-77 (2006)
201. Mark A. Rothstein, Genetic Privacy, Abandonment, and DNA Dragnets (invited letter), Hastings Center Rep. 35(1):21-23 (2005)
  202. Mark A. Rothstein & Bartha Maria Knoppers, Introduction to Biobanks Symposium, J.L. Med. & Ethics 33(1):6 (2005)
  203. Alasdair Breckenridge, Klaus Lindpainter, Peter Lipton, Howard McLeod, Mark Rothstein & Helen Wallace, Pharmacogenetics: Ethical Problems and Solutions, 5 Nature Reviews Genetics 676-680 (2004)
  204. M. Gabriela Alcalde & Mark A. Rothstein, Consideraciones Eticas en Torno del Implante de Corazon Artificial Abioco, Sociedad Iberoamericana de Informaci3n Cientifica, [www.siicsalud.com/dato/dat039/047/2000.htm](http://www.siicsalud.com/dato/dat039/047/2000.htm) (2004)
  205. Mark A. Rothstein, The Year in Bioethics, 2004, Law & Bioethics Rep. 4(2):2 (2004)
  206. Mark A. Rothstein, What Kind of Malpractice Crisis?, Law & Bioethics Rep. 3(1): 2 (2003)
  207. Mark A. Rothstein, Public Willingness to Participate in Genomics Research, Emerging Issues in Environmental Health Sciences (July 2003)
  208. Mark A. Rothstein, Privacy and Confidentiality in Genetic Research, Law & Bioethics Rep. 2(1): 6-8 (2002)
  209. Mark A. Rothstein, Privacy and Health Care (book review), 345 New Eng. J. Med. 844 (2001)
  210. Mark A. Rothstein, Genetics and Public Health in the 21<sup>st</sup> Century: Using Genetic Information to Improve Health and Prevent Disease (book review), 343 New Eng. J. Med. 1580 (2000)
  211. Mark A. Rothstein, Family and Community in Genetic Research, Health Law News 13(3): 9,16 (2000)
  212. Mark A. Rothstein, Secondary Uses of Cord Blood Information, 8 Cancer Research, Therapy & Control 351-52 (1999)
  213. Mark A. Rothstein, Substance Abuse and the ADA: Some Unresolved Issues, 8 Employment Testing 49 (1999)
  214. Mark A. Rothstein, Policy Makers Need to Address Genetic Issues, 7 Employment Testing 41 (1998)

215. Mark A. Rothstein, "Gattaca" and Today's Genetic Secrets, Health Law News, Dec. 1997
216. Mark A. Rothstein, Occupational Physicians Face Legal, Ethical Issues in Medical Screening, 5 Employment Testing 145-51 (1996)
217. Ellen Wright Clayton & Mark A. Rothstein, Anonymous Genetic Testing: Reply to Mehlman et al. (letter), 59 Am. J. Human Genetics 1169-70 (1996)
218. Mark A. Rothstein, Should Genetic Information Be Used to Predict Life Expectancy of Plaintiffs in Tort Cases?, Houston Lawyer, Sept./Oct. 1996
219. Mark A. Rothstein, The Ethics of Tiered Health Care, Health Law News, Sept. 1995
220. Mark A. Rothstein, Study Probes Nonfinancial Barriers to Health Care, Tex. Med. Center News, Apr. 1995
221. Mark A. Rothstein, Genetic Testing, Jobs, and Insurance: What Public Policy Issues Should Reformers Consider?, 4 Employment Testing 17 (1995)
222. Mark A. Rothstein, The Family and Medical Leave Act and Injured Workers, Health Law News, July 1993
223. Mark A. Rothstein, Employers' Use of Genetic Tests Under the ADA, 2 Employment Testing 73 (1993)
224. Mark A. Rothstein, Employees' Access to Health Benefits, 2 Employment Testing 24 (1993)
225. Mark A. Rothstein, Genetics and Employment Discrimination, Advances in Genetic Information (Council of State Governments 1992)
226. Mark A. Rothstein, Risky Business: Genetic Testing and Exclusionary Practices in the Hazardous Workplace (book review), 268 JAMA 921 (1992)
227. Mark A. Rothstein, Foreword, Genome Symposium, 29 Hous. L. Rev. 1-6 (1992)
228. Mark A. Rothstein, Commentary on "But is He Genetically Diseased?", 22 Hastings Center Rep. S-19 (July-Aug. 1992)
229. Neil A. Holtzman & Mark A. Rothstein, Eugenics and Genetic Discrimination (invited editorial), 50 Am. J. Human Genetics 457-459 (1992)
230. Mark A. Rothstein, The Genome Project as Public Policy, 68 Bull. N.Y.

- Acad. Med. 144-150 (1992)
231. Mark A. Rothstein, Johnson Controls, Workplace Risks, and the Limits of Autonomy, Health Law News, June 1991
  232. Mark A. Rothstein, The Human Genome Project and Genetic Screening: The Importance of Ethical, Legal, and Social Issues, Health Law News, March 1991
  233. Mark A. Rothstein, Does Employee Drug Testing Work?, 4 Employment Testing 716 (1991)
  234. Mark A. Rothstein, Genetic Screening in the Workplace, Encyclopedia of Career Change and Work Issues (L. Jones, ed.) (Oryx Press 1991)
  235. Mark A. Rothstein, Predicting the Consequences of the High Risk Occupational Disease Notification and Prevention Act, Occupational Health in the 1990s (P. Landrigan & I. Selikoff, eds.) (N.Y. Academy Press 1990)
  236. Mark A. Rothstein, Forum on Refusing to Employ Cigarette Smokers, Employment Rel. Weekly, June 19, 1989
  237. Mark A. Rothstein, Foreword to the Health Law Issue, 25 Hous. L. Rev. 471-473 (1988)
  238. Mark A. Rothstein, Ban Smoking, Not Smokers from the Workplace, Hous. Lawyer, July/Aug. 1987
  239. Mark A. Rothstein, Medical Screening: A Tool with Broadening Use, Bus. & Health, Oct. 1986
  240. Mark A. Rothstein & Laura F. Rothstein, Law Reviews Suffer from Lack of Peer Review, Legal Times, Jan. 6, 1986
  241. Mark A. Rothstein, Jump in Worker Medical Screening Raises Concerns, Am. Med. News, Oct. 19, 1984

#### Popular Articles

- 242.\* Mark A. Rothstein, Unreliable Insurance, Louisville Courier-Journal, Feb. 17, 2010
243. Mark A. Rothstein, A Future in Research for Kentucky?, Louisville Courier-Journal, March 28, 2002
244. Mark A. Rothstein, Medical Privacy -- An Oxymoron?, Newsday, March 15, 1999

245. Mark A. Rothstein, Underlying Issues Important Part of Cloning Debate, Houston Chronicle, Sept. 1, 1998
246. Mark A. Rothstein, HMO Liability Is Worth the Cost, Wall St. J., Aug. 11, 1998
247. Mark A. Rothstein & Ronald Scott, Prohibitions on Genetic Discrimination in Insurance and Employment, Houston Bus. J., Feb. 6-12, 1998
248. Mark A. Rothstein, Equalize Opportunity -- Then Start Clock on Affirmative Action's End, Houston Chronicle, Nov. 30, 1997
249. Mark A. Rothstein, More Than Money at Stake When Hospitals Join Forces, Houston Chronicle, June 9, 1996
250. Mark A. Rothstein, Winners, Losers in Delay of Health-Care Reform, Houston Chronicle, Aug. 31, 1994
251. Mark A. Rothstein & Beverly Woodward, Self-Insurance Works Against Goals of Health Reform, Boston Globe, July 1, 1994
252. Mark A. Rothstein, If You Think Your Employer Insures You, Look Again, Houston Post, Dec. 8, 1991
253. Mark A. Rothstein, Free Trade Doesn't Equal Freedom, Houston Post, Aug. 11, 1991
254. Mark A. Rothstein, The Challenge of the New Genetics, 69 Nat'l Forum 39 (1989)
255. Mark A. Rothstein, Health Insurance Can Be Hazard to Your Rights, Houston Chronicle, Oct. 4, 1989
256. Mark A. Rothstein, Sniffing Out Drug Abusers is No Quick Fix, Wall St. J., June 16, 1986
257. Mark A. Rothstein, Meet the Perfect Worker, Chicago Tribune, Dec. 30, 1985

June 2013